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9 Attorneys for Defendants
10 **TOM TIMMER, ANN TIMMER,**
11 **the *F/V BOUNTIFUL*, and the *F/V DONITA***

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 **JOSEPH F. ARISPE,**

16 Plaintiff,

17 v.

18 **TOM TIMMER and ANN TIMMER, *in***
19 ***personam*, et. al.**

20 Defendants.

Case No.: C 03 4269 CRB ARB

21 **STIPULATION AND**
22 **~~[PROPOSED]~~ ORDER FOR THE**
23 **RELEASE FROM CUSTODY OF**
24 **THE *F/V BOUNTIFUL* UPON**
25 **PROOF OF DEPOSIT OF \$100,000**
26 **WITHIN THE COURT'S**
27 **REGISTRY**

28 **STIPULATION**

IT IS HEREBY STIPULATED by and between the parties to this action, through their respective counsel, that:

- (1) The United States Marshal Service and/or the Substitute Custodian currently in possession of the *F/V Bountiful* are hereby ordered to release said vessel from their possession and turnover said vessel to Thomas Timmer upon proof of deposit of One-hundred thousand dollars [\$100,000.00] as alternate security within the Court's Registry and that said vessel will be released from answering for any further responsibility as a defendant in this lawsuit;
- (2) Said funds are only to secure Mr. Arispe's lien for unpaid maintenance along with any attorneys' fees, costs and interest as may be awarded by the Court and the *custodia legis* expenses associated with the arrest of the *F/V*

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CAN BOUNTIFUL

Bountiful. Said funds shall not be held to answer for any other lien claims that may exist against the *F/V Bountiful* or any other vessel owned wholly, or in part, by the Timmers;

(3) If Joseph Arispe shall negotiate a settlement with the Timmers or obtain a final judgment or award against the *F/V Bountiful*, her engines, tackle, furniture, apparel, etc., *in rem*, the Timmers, or their insurers, shall satisfy that settlement or judgment or award together with interest and costs, if so awarded, and if they fail to do so, the clerk of the Court may, upon written order of the Honorable Charles R. Breyer, release funds to Mr. Arispe and/or his attorneys from the Court's Registry sufficient to account for any lien which may be found to exist against the *F/V Bountiful* as a result of unpaid maintenance in the amount of \$11,800 along with any award of attorneys' fees, costs and interest as may be awarded by the Court.

(4) Said funds shall remain within the Court's Registry until further Order of this Court. In no event shall said funds be disbursed to any person or entity other than the parties to this action, and then only upon written order.

Dated: December 1, 2005

BANNING, MICKLOW, BULL & LOPEZ
Attorneys for Plaintiff
JOSEPH E. ARISPE

By

Edward M. Bull, III

Dated: December 1, 2005

COX, WOOTTON, GRIFFIN,
HANSEN & POULOS, LLP
Attorneys for Defendants

By

Terence S. Cox

ORDER

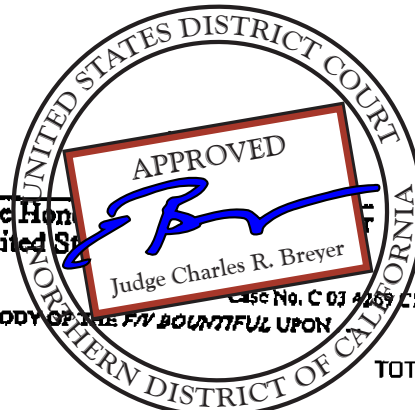
IT IS SO ORDERED

Dated: December 02, 2005

By

The Hon.
United States

Judge Charles R. Breyer



STIPULATION AND (PROPOSED) ORDER FOR THE RELEASE FROM CUSTODY OF THE *F/V BOUNTIFUL* UPON

TOTAL P.03

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Gen. Bountiful